

UNITED STATES DISTRICT COURT**MIDDLE****DISTRICT OF****ALABAMA****NORTHERN DIVISION****DWIGHT RODGERS****v.****CRACKER BARREL OLD COUNTRY STORE, Case Number: 2-06-CV-1067-WKW-SRW
INC.**

Judgment having been entered in the above entitled action on January 28, 2008 against plaintiff, the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	\$ _____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$ <u>1,433.75</u>
Fees and disbursements for printing	\$ _____
Fees for witnesses (itemize on reverse side)	\$ _____
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$ <u>78.80</u>
Docket fees under 28 U.S.C. 1923	\$ _____
Costs as shown on Mandate of Court of Appeals	\$ _____
Compensation of court-appointed experts	\$ _____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	\$ _____
Other costs (please itemize)	\$ _____
TOTAL	\$ 1,512.55

SPECIAL NOTE: Attach to your bill an itemization and documentation for requests costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Byron R. Perkins, The Cochran Law Firm, 505 North 20th Street, Suite 825 Birmingham, Alabama 35203 and Monica A. York, Esq., Breedlove & Lassiters, LLP 250 E Ponce de Leon Avenue, Suite 425, Decatur, GA 30030

Signature of Attorney: _____

Name of Attorney: Ashley H. Hattaway, BURR & FORMAN LLPFor: Cracker Barrel Old Country Store, Inc.Date: 2/22/08

(Name of Claiming Party)

Costs are taxed in the amount of _____ and included in the judgment.

Deborah P. Hackett

By: _____

Clerk of Court

Deputy Clerk

Date

WITNESS FEES (Computation, cf. 28 U.S.C. 1821 for statutory)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		TOTAL COST EACH WITNESS
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
						TOTAL	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54(d)

"Except when express provision therefor is made either in statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

Entry of the judgment shall not be delayed for the taxing of costs."

**DWIGHT RODGERS V. CRACKER BARREL OLD COUNTRY STORE
2-06-CV-1067-WKW-SRW**

**ITEMIZATION OF COSTS OF DEFENDANT
CRACKER BARREL OLD COUNTRY STORE**

Deposition of Plaintiff Dwight Rodgers taken on 6/13/07 by Freedom Reporting	\$1,433.75
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Photocopies- (394 pages @ \$0.20 each) (Defendant's summary judgment motion [6 pages], brief [35 pages], reply brief [17 pages] and evidentiary submission [321 pages]; Defendant's motions to strike plaintiff's summary judgment [6 pages] and affidavit [3 pages] and reply brief [6 pages])	\$ 78.80
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TOTAL	\$1,512.55
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FREEDOM REPORTING, INC.

367 Valley Avenue
Birmingham, AL 35209
205-397-2397 Fax: 205-397-2398
Tax ID Number: 20-2776665

Ashley H Hattaway
Burr & Forman LLP
420 20th Street North
Suite 3400 Wachovia Tower
Birmingham, AL 35203

June 29, 2007

Invoice# 00027155

Balance: \$1,458.75

Re: Dwight Rodgers v. Cracker Barrel Old Country Store, Inc.
Dwight Rodgers/CV-06-1067
on 06/13/07 Billed 06/29/07
by Tanya Cornelius

Invoicing Information

<u>Charge Description</u>	<u>Amount</u>
Per Diem: 1 day	120.00
Original & copy: 425 pages	1,296.25
Exhibits/B & W: 50 pages	17.50
Condensed/concordance(s):	10.00
Depo Disk:	15.00

Deponent:
Dwight Rodgers

P l e a s e R e m i t - - - > Total Due: \$1,458.75

All Invoices are due within 30 days of receipt